

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SHARAD TAK,
derivatively on behalf of
TECHNOLOGY VENTURES, LLC,

Plaintiff,

v.

JITENDRA VYAS,

Case No. 1:21-cv-751-CMH-IDD

and

SUNDEEP DAMANI,

Defendants,

and

TECHNOLOGY VENTURES, LLC,

Nominal Defendant.

ORDER

THIS CAUSE comes before the Court upon Defendant Jitendra Vyas' Unopposed Motion to Withdraw Notice of Removal, filed June 28, 2021.

Defendant removed this action from the Circuit Court for Fairfax County, Virginia on June 23, 2021. (Dkt. #1). Removal jurisdiction was premised upon the Court's diversity jurisdiction. *See* 28 U.S.C. § 1332(a).

However, removal based upon diversity jurisdiction is improper if any of the defendants properly joined and served is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(b)(2). The two individual Defendants, who have been served, are citizens of Virginia.

Therefore, Defendant Vyas requests permission to withdraw his notice of removal and that the case be remanded to the Circuit Court for Fairfax County, Virginia.

Accordingly, it is therefore **ORDERED AND ADJUDGED** that:

1. Defendants' Motion to Withdraw Notice of Removal is GRANTED.
2. This case is REMANDED to the Circuit Court for Fairfax County, Virginia. The Clerk is also directed to forward a certified copy of this Order to that Court.
3. The Clerk is further directed to close this case.

It is so ordered, this _____ day of _____, 2021.

Claude M. Hilton
United States District Judge

Copies furnished to:
Counsel/Parties of Record